

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRED I. DAVIDSON,

Plaintiff

v.

C-1-12-330

BANK OF AMERICA, N.A.,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 11) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted. The Report and Recommendation of the United States Magistrate Judge (doc. no. 11) is hereby ADOPTED AND INCORPORATED HEREIN BY

REFERENCE. Plaintiff's claim under 42 U.S.C. § 1983 is DISMISSED for failure to state a claim upon which relief may be granted against the defendant bank. *See* 28 U.S.C. § 1915(e)(2)(B).

The United States Marshal shall serve a copy of the Complaint, summons and copies of all pleadings and Court orders filed in this action to date, including this Order and Report and Recommendation, upon defendant as directed by plaintiff. All costs of service shall be advanced by the United States.

Plaintiff shall serve upon defendant or, if appearance has been entered by counsel, upon defendant's attorney, a copy of every further pleading or other document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed with the Clerk of Court a certificate stating the date a true and correct copy of any document was mailed.

This case is RECOMMITTED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court